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A PROPOSAL FOR THE ESTABLISHMENT OF

A PROVINCIAL LAW CENTRE IN ONTARIO

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A PROPOSAL FOR THE ESTABLISHMENT OF

A PROVINCIAL LAW CENTRE IN ONTARIO

PRESENTED BY A GROUP OF DEDICATED LAW PROFESSORS

AND THOSE ASSOCIATED WITH THEM

IN THE TEACHING OF LAW

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October 14, 1965

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Parliament Buildings,
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Ontario.

A PROPOSAL FOR THE ESTABLISHMENT OF
A PROVINCIAL LAW CENTRE IN ONTARIO

1. Introduction

This submission proposes that an Ontario Law Centre be established in Toronto. The concept of a law centre, as herein conceived, will first be explained briefly, and the reasons for suggesting it at this time will be summarized. Later sections will discuss these various points in more detail.

It is useful to mention a few important features of the present-day legal scene in Ontario. These are:

(a) A continuing and growing need for a considerable range of legal research for government departments, and, in particular, for the Department of the Attorney-General. There is no established research institute or organization, nor anything in the Province analogous to a legal research "laboratory".



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(b) The Law Reform Commission has recently been set up and has promoted a number of studies, including a major project aimed the eventual codification of Provincial family law. It seems clear that law reform activities will increase, and it will be desirable for resources in the Province to be organized and co-ordinated so that they can be mobilized to assist the Commission.

(c) Legal Aid may be introduced into Ontario in the near future, and this will mean an important development in the operation of the law in regard to the public and in the work of the profession. New public services, legal aid clinics and the like, may be required, and the Government will be concerned to insure that these and the whole Legal Aid scheme are a success.

(d) For many years, committees of the Canadian Bar Association have done a great deal of work related to improvement of the law. The Ontario Section does not have a proper, physical headquarters, and the work of the committees should be co-ordinated, preserved and analyzed in a more meaningful and permanent way than at present, for the benefit of the Government and interested persons, and a physical and intellectual focus should be provided for the work of the Ontario committees.

(e) There is no legal research library in Ontario comparable to that at various major law schools, institutes, etc., in the United States and in Europe. This is a serious handicap, if legal problems are to be examined in depth (having regard to (a) and (b) above).

We surely can take little pride in the fact that the library of The Los Angeles County Bar Association has a larger holding of Canadian materials than any Canadian library.

(f) At present, graduate studies in law are only undertaken at the law schools of the University of Toronto and Osgoode . .11. The total number of graduate students is very small compared with other disciplines. There is no Provincial organization of graduate studies or graduate research, to make the best available use of existing facilities throughout Ontario. Graduate studies have an important role to play in the production of law teachers and legal research workers. There is a need for a large increase in graduate legal studies in Ontario and for central co-ordination and leadership.

(g) A very large increase is predicted in the next few years in the number of students wishing to enrol for the degree of LL.B. This enlargement of the potential law student population would seem likely to outrun the presently existing capacity of Ontario law schools by something in the order of 100%.

(h) There is no evidence of any trend towards an increase in the number of law teachers in the province. It is likely, therefore, that if the present situation continues unchanged, there will be a serious shortage of law teachers and a rise in the number of unfilled vacancies. If energetic steps are not taken to use the available resources to the best advantage, and to encourage and train recruits,

on the basis of a carefully worked out Provincial plan, some of the following results may happen:

(1) law teachers will be dealing with big classes and excessive numbers of courses, or curricula will have to be restricted;

(2) research and law reform activities will have to be curtailed;

(3) legal writing by law teachers will decrease;

(4) standards will be lowered for entrants to law teaching;

(5) numbers of student entrants will have to be sharply restricted.

A continuation of the present facilities and organization unchanged can hardly fail to produce a deterioration in the standards of Ontario legal education and research in the next ten years.

(i) It is submitted that in the development of legal education and legal studies, special attention should be given to the fostering of a real understanding between academic institutions and the practical applications of the law, and to a close liaison with the courts and the legal profession, with governmental and municipal services, and, as appropriate, with other professions such as accountancy, and the business world. It is important that there should be no "veil" between the law in theory and the law in practice.

Broadly, then, the picture is one of sharply increasing strain on existing resources and facilities, due to a desirable

increase in interest in legal research and law reform, and to a rise in law student numbers. It is against this background that a Provincial Law Centre is suggested.

The essence of the idea of a Law Centre is to accommodate certain different kinds of legal activity in one building, together with a first-class teaching and research library. The constituent elements of the Law Centre might be:-

(i) An Ontario institute for legal research and graduate studies, which would be associated with all the Law Schools in Ontario. The Ontario Law Reform Commission might also wish to have its headquarters in the Law Centre building. The Commission would, of course, be independent of the institute, but it would find the institute's activities very helpful in regard to research on law reform projects, and the existence of the institute would add strength to the Commission in the exercise of its functions. The purpose of the institute would be to organize and promote graduate studies in law and legal research on a provincial basis, making the best use (appropriate to each case) of the teaching and library resources in all the law schools of Ontario. The institute would have funds at its disposal for this purpose, and for the provision of scholarships and other financial assistance to students.

(ii) A headquarters for the Ontario Section of the Canadian Bar Association, and meeting rooms for its committees.

(iii) A special Legal Aid clinic. This clinic would provide case material for teaching and discussion of problems, and would include a research project to examine and supervise the practical working of Legal Aid. (One might draw a rough analogy between this and the clinical material in a teaching hospital.)

(iv) A law school with undergraduate teaching facilities. This is regarded as the nucleus of the centre and would be necessary to attract the best of the legal scientists since they, almost without exception, prefer to teach along with their research activities.

(v) A first-class research law library, which would become in time comparable with the libraries of some of the major law schools in the United States. This library would serve the Ontario institute for legal research and graduate studies, the law school, and the other elements of the Law Centre.

(vi) It may not be too much to hope that in the fullness of time the Centre might provide the staff and facilities for the further training of judges and magistrates similar to the facilities offered by the Institute of Judicial Administration of the Law School of New York University.

The Law Centre is intended to be a meeting point for different legal activities, which can benefit by operating in close proximity, and a "market" for juridical ideas. The special benefit of the concept lies in the unusual opportunities for co-operation

between provincial research and graduate studies and programmes, Bar activities, legal aid, law teachers and students. To obtain the optimum value, the Law Centre should be located in the general area of the Legislative and Municipal buildings, the Law Courts, the headquarters of the Law Society, and the main professional and business quarter of Toronto.

The different elements of the Law Centre could, of course, have different boards of management, but they would work in close association. There would be ample opportunity for co-operation with other institutions of higher learning and university disciplines. The Law Centre would enable legal research and the teaching of law to be conducted in very close relationship with the practice of law, both in the courts and otherwise, so that it can be studied in its practical, social and behavioural applications, i.e. in relation to people and cases and business, rather than as an abstract, mental activity. The cross-fertilization between the elements of the Law Centre should be of great benefit to legal research, graduate and undergraduate studies and teaching, and to the courts and the practice of the law.

The foregoing matters will now be discussed in more detail.

2. Legal Research

There is a demand in most countries of the world for more

legal research, and some of the reasons for this can be indicated as follows:

(a) Legislation

This is becoming an exceedingly complex process.

Research and study by committees, Members of the Legislature, Civil Servants and others is desirable (i) to examine the existing law and social conditions in order to determine if new legislation is necessary, and, if so, on what principles it should be based; (ii) in the preparation of draft legislation; (iii) in criticising a Bill presented to the Legislature and in collecting and assessing public comment on a Bill, or on reports on which the Bill is based; (iv) in criticising existing legislation with a view to amendment.

Good law is a matter of wide public concern, and the legislative process requires to be supported by well-qualified and organized research sufficient to make possible a continuing process of reviewing legislation, to keep it up-to-date and in functional accord with social and economic conditions, and with the best standards of justice and good government. An attempt must be made, therefore, to ascertain as scientifically as possible, not merely the content of the existing law in Ontario; but laws in the same area in other countries; the effect of existing laws on the public; and the possible results of proposed new legislation. Extensive and difficult investigations may be needed, in some cases, if this work is to be done adequately. These are problems that are growing more acute, because the law is becoming continually more complicated, and our way-of-life tends to

change at a much greater speed than formerly.

Suggestions on legislation may receive public consideration in advance of a Bill being submitted to the House. For example, proposals for new legislation on Personal Property Security, and a report on Securities Legislation, were each considered at a two-day conference of lawyers, and other professions, and businessmen, at Osgoode Hall Law School. There are also a considerable number of committees appointed to report on suggested or draft legislation. The whole process can involve wide and varied activities, and desirably so, and it ought to be based on sufficient, well-organized, and scientific research.

Members of the Legislature, individually or in connection with committees, have to consider an enormous quantity of material related to legislation. They may frequently wish to have investigations or research undertaken to aid them in making a proper assessment of this material, and their responsibilities entitle them to as good services in this connection as possible.

As mentioned above, there is no legal research "laboratory" or central agency for legal research in Ontario to which problems on legislation can be referred for scientific study. Nor has there, so far, been a systematic organization of relevant legal resources in the Province (e.g. law schools, Bar Association, government departments) to provide facilities reference legislation to Members of the House,

committees, government departments and others. At present, arrangements for legislative research, where they can be made, are within government departments (where the permanent staffs have many other duties) or on an ad hoc basis. For this reason, legislative studies can be less extensive and scientific than the importance of the subject properly demands, and Members of the Legislature might be more fully briefed on legislative proposals, and on areas requiring new legislation, if a Provincial organization for legal research were available in a Law Centre.

(b) Law Reform

Organized machinery for the improvement of the law exists in most of the countries of North America and Western Europe. There is a Law Reform Commission in Ontario, and in the United States there are various commissions and committees on law reform, and bodies such as the American Law Institute and the American Bar Association are active in this field. A Law Reform Commission has recently been appointed in Great Britain. In the western continental European countries, the functions of law reform are undertaken by Ministries of Justice, aided by a variety of special committees. The task of keeping the whole area of the law in a modern and functional condition in our quickly changing society, if well done, must make heavy calls on the available resources for legal research.

The projects of the Ontario Law Reform Commission already involve at least one team of research personnel, and other projects

that have been discussed are big enough to warrant the establishment of further teams. If the work of the Commission is a success, as everyone hopes, they will be in the market for the services of a substantial number of legal research personnel, on a whole-time or part-time basis. An allied field is uniformity of provincial laws, and in this area, a considerable amount of good comparative legal research is desirable. When a part of the law has been reformed and perhaps codified, that should not be the end of the matter, because the new legislation must be kept under review to prevent obsolescence, and the amendment of a code that is uniform over a number of jurisdictions may be a matter of technical complexity, requiring continuing research and study.

(c) Foreign and Comparative Law

It is not possible to maintain a first-class, up-to-date system of law in Ontario, unless an interest is taken in the law of jurisdictions other than our own, and their methods of dealing with problems similar to ours. One cannot be successfully in-growing and parochial in the modern, legal world, as regards the improvement of the system.

There are a number of reasons for providing facilities for foreign and comparative legal research, such as:

(1) to compare new legislative proposals with what has been done in other countries, and so enrich our own studies by drawing upon experience elsewhere;

(2) to suggest new areas and methods of law reform, by keeping up a systematic comparison of legal systems;

(3) doing research and giving information on foreign law and law on international commerce, to business firms, the courts, and so on. Extensive services of this kind are provided, for example, at various specialized institutes of foreign and comparative law in Germany, such as Berlin, Hamburg, Munich, Freiburg. A specialized library and qualified research personnel are needed. It would be uneconomical to try to develop foreign and comparative research facilities at all Ontario law schools, and the best method is to provide these facilities at an Ontario institute for legal research and graduate studies.

(d) General Research Programmes

It would be one of the functions of such an Ontario institute to inform and interest the legal profession, and (as appropriate) other professions, the business world and the general public, in areas of the law requiring study and reform, and in new ideas, techniques, and problems. This might be done by conferences, seminars, round-table discussions, and the like, which would produce an increased participation by practising lawyers and others, not merely in the acquisition of technical know-how, but also in law improvement, new trends, and more advanced developments. It is suggested that the practising profession would welcome this kind of participation and that it would be of mutual benefit to them and to research personnel and academic lawyers.

(e) Commissions and Inquiries

Legal research is frequently required for the various commissions and inquiries that are appointed by the Provincial Government. A Law Centre could be useful to these commissions and inquiries, for example, by its library facilities; by being an information centre as to work already done or in progress in different fields; by arranging contacts with other countries and jurisdictions.

In general, the Law Centre would provide a co-ordination of effort and resources in the Province, and a central point at which research inquiries could be made and contacts established. A Commission, under the Chairmanship of Dr. John W.T. Spinks, of the University of Saskatchewan, has been appointed to study the development of graduate programmes in Ontario Universities. It is hoped that this Commission will be asked to examine the problems of legal research herein mentioned. The Commission has started work and intends to make its final report in September 1966.

3. Graduate Studies

Graduate studies and legal research are closely related, because of the research that is normally produced in the course of such studies, and because they are a traditional form of training and qualification for work of the type discussed in the preceding section, and for law teaching. For this reason, it is proposed that one part of the Law Centre should be an institute for legal research and

graduate studies with the dual responsibility of promoting and organizing Provincial research and graduate studies.

At present, the only Ontario law schools which take graduate students are (i) the Faculty of Law of the University of Toronto (which takes only whole-time graduate students), and (ii) Osgoode Hall Law School (which takes both whole-time and part-time graduate students). In the period 1955-56 to 1964-65, the number of graduate students enrolled at the University of Toronto fluctuated between 1 and 9, with an annual average of about 5. During this period of ten years 14 LL.M. degrees were awarded. The numbers of graduate students enrolled at Osgoode Hall Law School between 1960-61 and 1964-65 were:

	<u>1960-61</u>	<u>1961-62</u>	<u>1962-63</u>	<u>1963-64</u>	<u>1964-65</u>
Whole-time	0	0	1	1	2
Part-time	<u>3</u>	<u>2</u>	<u>3</u>	<u>0</u>	<u>3</u>
	3	2	4	1	5

Five LL.M. degrees were granted at Osgoode Hall Law School during this period of five years. The combined figures for Ontario can be tabulated as follows:

	<u>Graduate Students Enrolled</u>				
	<u>1960-61</u>	<u>1961-62</u>	<u>1962-63</u>	<u>1963-64</u>	<u>1964-65</u>
Whole-time	5	6	9	6	10
Part-time	<u>3</u>	<u>2</u>	<u>3</u>	<u>0</u>	<u>3</u>
	8	8	12	6	13

<u>LL.M. Degrees Granted</u>				
<u>1960-61</u>	<u>1961-62</u>	<u>1962-63</u>	<u>1963-64</u>	<u>1964-65</u>
3	1	4	3	1

Thus an average of slightly over two graduate degrees per annum have been awarded in Ontario during the last five years. These have all been Master's degrees and there have been no Doctorates.

From the Directories of Canadians studying in the U.S.A. and in the United Kingdom for 1964-65, it would appear that there were 8 from Ontario in the U.S.A. and 1 from Ontario in the United Kingdom during that year.

The Report of the Presidents of the Universities of Ontario to the Advisory Committee on University Affairs on Post-Secondary Education in Ontario 1962-1970 (which was published in revised form in January 1963) considered graduate studies at universities in relation to staffing (see pp. 18-22), and said "we recommend a 'crash programme' in graduate studies, a virtual doubling of the graduate school enrolment in Ontario universities within the next few years." The report stressed the need for greater financial support and a higher rate of student aid for graduate work (see pp. 20-21).

Enrolment to 1976-77 in Canadian Universities and Colleges (1963 projection) by the Director of Research, Canadian Universities Foundation, states that overall graduate enrolment may be around 7% of total enrolment by 1966-67. The foregoing tables suggest that the corresponding figure for law in Ontario may be of the order of 2% or less.

By 1970, it is expected that the number of students wishing to enrol for first year LL.B. at Ontario law schools may exceed 1100 (this topic is discussed in section 7 of this memorandum). On this basis, to provide a figure of 7% of total enrolment would require 80 to 90 graduate law students enrolling annually. This would be a very large increase over the 10 to 15 graduate students a year, which is the present Ontario rate, and it is hardly likely that any such change will occur in five years by a continuation of the present system.

Some of the reasons for the small quantity of graduate studies in law in Ontario, as compared with other disciplines, are:

(1) Graduate studies in law are a fairly recent innovation, and so far only two of the five law schools in Ontario make provision for them.

(2) It takes a comparatively long time to obtain the basic qualifications for practice in law. A degree (or a substantial part of a degree) in Arts, Science, etc. is required as an entrance qualification; the LL.B. course takes three years; for practice, students must pass the Ontario Bar Admission Course after obtaining an LL.B. When this is completed, students are usually anxious, for financial and other reasons, to start practising law (and only Osgoode Hall Law School accepts part-time graduate students). Not all legal firms and senior practitioners are yet persuaded of the value of the advanced and specialized study of a legal topic which is involved in

graduate work, but there is evidence of greater awareness of the desirability of such studies.

(3) Until recent years the Canadian law schools were not sufficiently staffed or otherwise equipped to carry on any function other than undergraduate teaching. The result was that any graduate work in law had to be done outside the country, chiefly in the United States.

If the law and the administration of justice in Ontario are to achieve their proper quality and importance, it will be necessary for a reasonable number of law students to carry their studies beyond the basic courses for qualification, and do a certain amount of advanced and specialized work. Graduate studies are, of course, particularly desirable for lawyers who are interested in law teaching or in participating in research, and they are also very desirable methods of promoting much-needed studies in depth of a variety of legal questions. It may be, however, that some reconsideration of the traditional forms of graduate studies in law is required to make them more flexible and adaptable to the conditions and needs of various forms of legal practice, the work of the courts, and central and local government. Perhaps, on the analogy of the training of the medical specialist, graduate legal studies should involve some practical work and training associated with the advanced theoretical examination of the chosen area, with a view to turning out a well-qualified legal specialist. A Law Centre should be able to

investigate such a possibility, and the special Legal Aid Clinic (which would be part of the Centre) could be useful in this connection.

If the number of graduate registrations were to be increased to 7% of total registration for 1970 (or even a substantial way to attaining that level), and graduate studies were still to be provided only by the University of Toronto and Osgoode Hall Law Schools, these two faculties would find it impossible to provide adequate supervision without considerable increases in numbers of staff.

If a Law Centre were established, including an institute of legal research and graduate studies, it would be possible to develop graduate studies, using the personnel and library resources of the whole Province. In regard to graduate studies, the institute might operate on the following lines:

A student wishing to undertake graduate work in law in Ontario would consult the director of graduate studies at the institute, who would arrange for consideration of the student's qualifications and the suitability of his proposed topic. If these were both acceptable, the institute would organize faculty supervision and financial aid (in appropriate cases). The institute would be free to invite any member of any Ontario Law Faculty to be a supervisor of a graduate student, and a graduate student would be allowed access to all the law libraries in the Province, including the Law Centre Library. The institute would select the supervisor from among the law teachers in the Province who specialize in the area chosen by the student. In

certain cases a student might have more than one supervisor (for different parts of his work), and a student might move about from one law school to another (with the approval of the institute) in order to make the fullest use of available supervisory and library resources in the Province. The student's examination would be arranged by the institute (probably appointing an ad hoc examining board of experts in the topic, from Ontario law teachers and practitioners) and graduate degrees would be awarded by the institute.

According to the above scheme, the institute would have available to it as potential graduate supervisors and instructors, the faculty members of all the law schools of Ontario (at present five in number) and any new law schools that might be established, and all the Ontario law libraries, together with the resources of the Law Centre. The institute would have funds at its disposal to provide reasonable financial aid for graduate students. Although Provincial in orientation, the proposed scheme need not be at all impersonal in operation. The general organization of the student's programme would be dealt with between the student and the director of studies at the institute, and each part of the supervision would be on a personal basis between the student and the supervisor appointed by the institute. The degrees granted would be LL.M. and S.J.D. degrees of the Ontario institute of legal research and graduate studies, and would not be degrees of the law school forming part of the Law

Centre (which would only grant the degree of LL.B. as would the other law schools in the Province).

It would not be desirable to take faculty members away from law schools to form a faculty for the institute, especially at the present time when a general shortage is anticipated of qualified personnel for law teaching. The permanent staff of the institute would consist of a small organizing directorate and secretarial staff. Legal scholars from Ontario, from other parts of Canada, and from foreign countries might, of course, be attached to the Institute for temporary periods, or on a part-time basis.

It is suggested that the institute of legal research and graduate studies should have its own Board of Management, and should receive its funds directly from the Government. There would be representatives of the Ontario law schools on the Board of Management. The functions of the institute would be:

(1) the promotion and organization of legal research in Ontario in relation to all the research fields previously mentioned in this memorandum (see pp. 8-13 supra).

(2) the making of contacts with other jurisdictions and the encouragement of visits from foreign legal scholars, visits to foreign centres, exchanges, and so on.

(3) co-operation in legal research with the Ontario Law Reform Commission.

(4) the promotion and organization of graduate legal studies in Ontario.

(5) the holding of conferences, seminars, and the like on advanced and specialized aspects of law and the reform and improvement of the law.

(6) the arrangement of special seminars or discussion groups for judges, magistrates and others.

(7) the publication of a legal periodical.

Where institutes or programmes for advanced study already exist at law schools (such as the Institute of Criminology at the University of Toronto) these may continue unchanged, but it would be hoped that there would be liaison between them and the institute of legal research and graduate studies.

The work of the institute will be closely related to that of the Ontario Law Reform Commission, although legal research will not always be directed to law reform. The Commission may wish to have its headquarters in the Law Centre, and it would be desirable to have a close association established between the Institute and the Commission.

4. Library

There is no law library in Ontario at the present time which could be described as first-class by international standards or as being a very good research library. The major law school libraries in the United States are much more extensive than any law library in Canada.

The total holdings of the largest law school library in Ontario is somewhere around 50,000 volumes, whereas the collection of foreign (non-German) legal material at the Max Planck Institute of the University of Hamburg, Germany, is said to be of the order of 200,000 volumes. An endeavour should be made to establish one first-class research law library in the Province of Ontario which could be built up to a good international reputation, and this library should be located in the Law Centre. The existence of such a library would be of great assistance in the development of research and in advancing the reputation of Ontario for law reform and legal studies, and for attracting graduate students and visits from legal scholars.

A central catalogue ought to be established at the Law Centre of all the law books, pamphlets, etc., in Ontario, indicating the library in which they are located. This could be done by the other libraries supplying a duplicate card for each item of their collection to the Law Centre library. The catalogue of the Law Centre library would thus provide a complete picture of all the law library resources of the Province.

It should be possible, with the foregoing organization, to achieve a measure of law library co-ordination in the Province, and avoid unnecessary duplication, particularly in relation to specialised collections.

The general policy of the institute and also of the library should be to open its doors as widely as possible to bona fide

scholars of any race or creed and from any part of the world. It should likewise be part of the policy to make extensive international contacts with other countries, to acquire new publications and to keep up-to-date with new law and new ideas.

5. Canadian Bar Association

An important element of the Law Centre should be the headquarters of the Ontario Section of the Canadian Bar Association. It is a fact that the legal research in this Province by members of the practising profession is done through the various subsections of the Canadian Bar Association and not through the Law Society of Upper Canada, which is the licensing authority of the profession. This would mean the provision in the Law Centre building of accommodation for council and committee meetings and the preservation of records, and such other accommodation as the Bar Association might reasonably require. The Bar Association makes a considerable contribution to the study of new laws, and to the discussion of legal questions of general interest. But up to now, a great amount of the work done by committees of the Ontario Section is not readily available to interested parties, and knowledge of such material may often be gained only by chance, and the fruits of valuable work may not come to full maturity. If it had a headquarters in the Law Centre building, the Bar Association would be able to organize its activities better throughout the year, and could maintain a permanent collection of reports and records of committee work to be available to interested parties.

In addition, it would be of great benefit to the Law Centre and to the members of the Bar to have the Bar Association housed in the same building with the Ontario institute of legal research and graduate studies, the special Legal Aid Clinic, the research library, and an undergraduate law school. All these would benefit by having a lawyers' association close to them, and the benefit would be reciprocal.

6. Legal Aid Clinic

The functions of the special Legal Aid clinic would be as follows:-

(a) To do the ordinary work of a legal aid clinic, i.e. to examine cases and applications for legal aid and to give legal advice to the public.

(b) To conduct a continuing research project in association with the institute of legal research and graduate studies on the practical working of legal aid, and generally on the impact of the law and the courts on the lay public. The periodic reports of this research project should provide a useful indicator as to how well the legal aid scheme was operating in practice, and what adjustments and improvements ought to be made. Legal aid in Ontario will be a large operation involving a great deal of public money, and it seems most desirable in the public interest that there should be a continuing check on its effectiveness in providing a really good public service. A specialised Legal Aid clinic located in the Law Centre building, and

in close liaison with the other elements of the Law Centre, would be the best way to achieve this end.

Very little systematic research has been done on the effects which the law and the courts have (for good or ill) on the lay public. This is a large, important and considerably unexplored area for research, possibly of an interdisciplinary character, and involving, for example, sociologists as well as lawyers. The existence of legal aid and legal aid clinics will provide a new opportunity for this kind of work, and for the production of a more harmonious, useful and scientific correlation than heretofore between the practice of law, the courts, and the lay public. No one would claim that our system of courts and legal practice, in either civil or criminal matters, provides perfect efficiency and justice to the public, who come to it or are brought to it. It should be possible, however, to do more than is done at present to ascertain in a reasonably precise manner where the imperfections lie, and to consider how they may be corrected. The combination of special Legal Aid clinic and institute of legal research and graduate studies should make it possible to have a worthwhile project in Ontario in this kind of "legal technology", and one which would be to the benefit of the public.

(c) To provide "clinical" material for legal teaching and research. A legal aid clinic could be a substantial source of legal raw material and problems. Of course, not all the cases passing through the clinic will be in this category and a great many will depend on their facts or contain no legal novelty. If, however,

a careful process of selection is set up, it should be possible to accumulate interesting case material that could be used for discussion with groups of students or for research purposes. The screening could be done at the special Legal Aid clinic at the Law Centre in collaboration with the institute of legal research and graduate studies. Interesting cases could be referred from other legal aid clinics in the Province to the special Legal Aid clinic, and a select collection of case material could be built up and maintained at the Law Centre.

(d) To give "clinical" seminars or discussion groups for students or practitioners. These could be conducted by senior practitioners or law teachers employing case material from the Law Centre collection mentioned in (c), or as counselling sessions for clients, or their advisors.

7. Undergraduate Law School

Reference is made to a report by Professor R.J. Gray of the Osgoode Hall Law School entitled Law School Enrolment, Projections and Statistics (a copy of which accompanies this memorandum) and, in particular to Part II thereof consisting of projected enrolments for the period 1963 to 1972 for Ontario Common Law Schools, which is derived from projection reports by Dr. R.W.B. Jackson, Ontario College of Education, and by Dr. Sheffield. Referring to Projections #8 and 9 on p. 15 of the accompanying report, it appears that, in round figures, there may be some 1200 to 1300 applicants for legal education

in the first year, and some 3000 law students (total enrolments of all three years for the LL.B.) in 1971-72 in the Common Law schools of Ontario, if all applicants eligible under the present admission standards are accepted.

One understands that there is a possibility that the law schools of Queen's University and the University of Western Ontario will increase in size, that the Common Law school at the University of Ottawa may also increase, that a new law school is contemplated at York University, and that the operation of Osgoode Hall Law School may be discontinued on the Osgoode Hall site. It appears that the Faculty of Law of the University of Toronto have fixed their maximum enrolment at 150 for the first year and 450 for the total of all the years (see President's Report, 1963/64, Faculty of Law, p. 59). If it be assumed that Queen's Western and Ottawa will rise to a total enrolment over all years of 300 law students each in 1971-72, then these schools and the University of Toronto will account for a total of 1350 law students. Using the figure of 3000 mentioned above, this leaves a possible figure of 1650 students still to be accounted for. There is a further factor to be considered, namely that the increases in student numbers will likely be appreciably higher in the greater Toronto area than elsewhere, so that there will be more pressure for places in the Toronto area than even the foregoing figures indicate, and it will be there that there will be the biggest increase in need for new undergraduate law school accommodation. (Cf. the chart of Ontario University Regions 1970 showing estimated population in the 18-21 years age group, being appendix 3 to the report of the Presidents

of the Universities of Ontario to the Advisory Committee on University Affairs entitled Post-Secondary Education in Ontario, 1962-1970).

Referring again to the accompanying statistical report (at p. 5) it will be seen that the biggest law schools in Canada in 1962-63 (in terms of total enrolment) were:

Montreal	515
Osgoode Hall	424
Laval	232
British Columbia	229

Thus a school with 500 - 1000 students would be a departure from the usual size of Canadian law schools up to date, and a school with 1000 - 1500 students would be a radical departure. In a law school of 1650 students, the first year class might be around 650 students. A class of this size could certainly not be taught in a single classroom and so the first year class would have to be divided into a considerable number of sections for each subject, before the process would become educationally effective. Similar divisions would have to be made of the second and third years.

It is submitted that the foregoing figures provide ample justification for three law schools in the greater Toronto area by 1971-72. These three law schools should be (i) University of Toronto, (ii) York University, (iii) a law school at the Law Centre (all three granting the degree of LL.B.). The sizes of the three schools in

terms of total enrolment in 1971-72 might be:

University of Toronto	450
York University	850
Law Centre School	<u>800</u>
	<u>2100</u>

On this basis, both the York University and the Law Centre schools would be very large by present-day Canadian standards.

Why is it suggested that an undergraduate law school should be included in the concept of the Law Centre? The reasons are:

(a) To avoid duplication of library resources. The library of the Law Centre will serve the needs of both the institute of legal research and graduate studies, the special Legal Aid clinic and the law school in the Law Centre. If the law school were elsewhere, separate libraries would have to be provided involving duplication and unnecessary expenditure.

(b) It will be good both for the Centre and for the law school, to have a teaching faculty and law students working in the Law Centre in close proximity to its other activities. Students, for example, will be able to become acquainted with some of the various types of legal work going on in the Centre, and in particular the special Legal Aid clinic could be very interesting and instructive for them.

(c) The location of a law school in a Law Centre will

allow the development of a concept of legal education already inherent in the operation of the Osgoode Hall Law School.

University law schools stress the benefits of intellectual intercourse with other disciplines, such as literature, history, classics, mathematics and physics, philosophy, political science and economics, sociology, and so on. The Law Centre (and its law school) would be emphasizing the benefits of association between academic lawyers and students, the courts, and practising lawyers, accountants, and other professional people, and businessmen. The Law Centre with its multi-dimensional organization would produce just the right "market place" for this kind of association and for a fruitful exchange of ideas.

The law school in the Law Centre would have an independent Board of Management. This Board would be distinct from the governing bodies of the institute for legal research and graduate studies, the special Legal Aid clinic, and the Law Centre library (which would be managed by a joint committee of the institute and the law school). However, there would be extensive liaison, and probably mutual representation, among the various governing bodies.

For the foregoing reasons, an undergraduate law school is a desirable integral part of the Law Centre.

8. Future Development and Location

As suggested in the introduction to this memorandum, the best location for the Law Centre would be in the area of the Legislative and Municipal Buildings, the Law Courts, the headquarters of the Law

Society, and the main professional and business quarter of Toronto, because this would allow maximum co-operation with these various groups.

The basic principle of the Law Centre is to correlate study and research in the law with its application to human relations, in the professional, sociological, economic and other domains, and to produce a high order of blending of theoretical and practical approaches and points of view. The Law Centre might be described as being concerned with the "technology" or applied science of an area of the social or behavioural disciplines. Technology is associated mainly with the physical sciences and engineering, and there are institutions concerned with this in North America of very high reputation (such as M.I.T. and Caltech.). There has been a recent tendency in Britain to establish Technological Universities of high standing (with emphasis on graduate work and research) developed from well-known institutions such as the Imperial College of Science and Technology at London; the Royal College of Science and Technology at Glasgow; the Heriot Watt College at Edinburgh. The Manchester College of Science and Technology will be similarly expanded, but will be called an institute (like M.I.T.).

Consideration might be given in the future to the creation of similar high-calibre institutions of university status, dealing with the applied aspects of the behavioural sciences, and comprising a group of disciplines such as law, economics, political science,

sociology, psychology, anthropology, commerce and finance, public administration, each concerned with an aspect of human relations and behaviour. In the endeavour to stress physical science and related technologies, there has been a tendency to neglect the behavioural sciences, and the establishment of new academic institutions to give leadership in their study.

As a long-term plan the Ontario Government might establish a university or institute devoted to the study of the behavioural sciences. The Law Centre, proposed above, could be included as one stage or unit in such a university or institute, and other stages might be:

(a) Centre for Economics, Commerce and Finance;

(b) Centre for Political Science and Public
Administration;

(c) Centre for Sociology, Psychology and
Anthropology.

Each of these Centres would be developed on analogous guiding principles to those underlying the concept of the Law Centre. The Centres would together form a group and would be incorporated as a university or institute for the social or behavioural sciences. If the buildings for such an academic institution were well designed, they would (if the space were available) form a fine addition to the new Toronto City Hall area, located on the south side of Queen Street, facing the new City Hall.

Ontario would then have the distinction of establishing the first institution of higher learning of university size and status devoted specially to the study of the behavioural sciences. This would be an institution with a new type of organization, emphasizing throughout, the collaboration of study and research with practical problems and applications to human relations, and adapted to do so successfully by the structure of its Centres. It would be, in effect, the first "technological university" of the social sciences, and could give Ontario a leading position internationally in this field of higher education.

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